IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7268 of 2005

Between:

The Vinayaka Agricultural and Industrial Exhibition - Society rep. by its President T. Manohar, S/o. Mallikarjuna Rao, R/o. H.No.7/3412, Srinivasa Nagar, Proddatur, Kadapa District.

..... PETITIONER

AND

1 The Tirupathi Municipality rep. by its Commissioner, Tirupthi, Chittoor District.
2 The Revenue Officer, Tirupathi Municipality, Tirupathi, Chittoor District.
3 S. Dasaratha Reddy, D.No. 1-4-816/256,
Satyanagar Colony, New Maruthi Nagar, '
Kothapet, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction mostly one which is in the nature of writ of Mandamus declaring the action of the respondents in allotting the land admeasuring Ac.2.50 besides T.T.D. Srinivasam complex to the 3rd respondent for the purpose of conducting an exhibition/Trade fair ignoring the application of the petitioner as illegal, irregular, arbitrary, unjustified, malafide, unconstitutional and unsustainable and direct the respondents 1 and 2 to allot the said land to the petitioner for conducting the exhibition and pass such other order or orders.

Counsel for the Petitioner : MR. P.VEERA REDDY

Counsel for the Respondents-1 and 2: MR. S.I.NEWTON

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.7268 OF 2005

ORDER:

The petitioner seeks a Writ of Mandamus declaring the alleged action of the respondents 1 and 2 in allotting the land admeasuring Ac.2.50 cents besides T.T.D. Srinivasam Complex to the third respondent for the purpose of conducting an exhibition / trade fair as arbitrary and illegal.

It is claimed that the petitioner is a registered society and is in the field of conducting industrial and agricultural exhibitions at various places in the State. It is stated that an extent of Ac.2.50 cents situated near T.T.D. Srinivasam Complex belonging to 1st respondent Municipality is being leased out periodically for conducting exhibitions by the entrepreneurs. On 22-12-2004 the petitioner submitted an application requesting to allow it to conduct an exhibition during the months of March – May for a period of 60 days expressing its willingness to pay the required lease amount. The grievance of the petitioner is that while keeping the said application pending, the respondents 1 and 2 have allotted the said land to the third respondent for

conducting an exhibition. The petitioner came to know about the same only on a report published in the daily newspapers. Aggrieved by the said action, this writ petition is filed contending that the respondents 1 and 2 are not justified in allotting the said land to the third respondent whose application was much later than to the petitioner's application. It is also alleged that the said allotment was made at the instance of the political leaders and that it was apparently for extraneous reasons. It is also claimed that since the rate offered by the petitioner is higher than the lease amount for which the allotment is made in favour of the third respondent, there is absolutely no justifiable reason to ignore the offer made by the petitioner. Thus, the contention of the petitioner is that the whole procedure followed by the respondents 1 and 2 is not at all transparent and the same is liable to be declared as arbitrary and illegal and consequently the respondents 1 and 2 shall be directed to allot the said land to the petitioner.

I do not find any substance in any one of the contentions raised by the petitioner and no Writ of Mandamus can be issued as prayed for by the petitioner.

The learned Counsel for the petitioner does not dispute the fact that the lease in question is not governed by the provisions of any statute. On the basis of the material on record, the petitioner failed to establish that he acquired any legal right much less there is any allegation of violation of any statutory provision. Nothing has been placed before this Court to show that the respondents 1 and 2 have acted in breach of any statutory obligation. Hence, the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India cannot be invoked.

Accordingly, the Writ Petition is dismissed. No costs.

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6th April, 2005.

Note:- Cc in 3 days.

(B/O)

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To

1 The Commissioner, Tirupathi Municipality, Tirupthi, Chittoor District.
2 The Revenue Officer, Tirupathi Municipality, Tirupathi, Chittoor District.
3. 2 CD copies